

RESULTS OF INVESTIGATION: Investigation indicated that the article contained natural sweeteners and artificial sweeteners. The article, by its name "Instant Syrup" by the label vignette showing the sirup being poured on pancakes, and by other label statements, was represented to be, after dilution in accordance with directions, ordinary table sirup.

LIBELED: 4-29-64, Dist. Kans.

CHARGE: 402(b)(1)—when shipped, a valuable constituent, namely, a nutritive sweetener, had been in part omitted; and 402(b)(2)—an article sweetened in part by nonnutritive, artificial sweeteners, namely, sodium cyclamate and sodium saccharin had been substituted wholly or in part for an article which the food purported to be, whose sweetness is derived from natural sweeteners; 403(a)—the name of the article "Instant Syrup" and the label statement "Contains 0.2% sodium cyclamate and 0.14% sodium saccharin non-nutritive artificial sweeteners which should be used only by persons who must restrict their intake of ordinary sweets and salt," were false and misleading as applied to a product containing the ordinary sweeteners, sugar and lactose and, in addition, the artificial sweeteners sodium cyclamate and sodium saccharin; 403(j)—the article purported to be and was represented as a food for special dietary use to regulate the intake of sodium, and its label failed to bear such information concerning its dietary properties, as prescribed by regulations, as necessary in order fully to inform purchasers as to its value for such use, since its label failed to bear a statement of the number of milligrams of sodium in 100 grams of the food and a statement of the number of milligrams of sodium in an average serving of the food.

DISPOSITION: 8-26-64. Default—destruction.

DAIRY PRODUCTS

BUTTER

29930. Butter. (F.D.C. No. 50190. S. Nos. 67-602/3 A.)

QUANTITY: 30 68-lb. boxes at Dubuque, Iowa.

SHIPPED: 7-27-64, from Zumbrota, Minn., by Mazeppa Co-operative Dairy Association.

LABEL IN PART: (Box) "Fancy Butter Packed for National Butter Dubuque, Iowa."

LIBELED: 8-18-64, N. Dist. Iowa; libel amended 8-31-64.

CHARGE: 402(b)(2)—when shipped, a product containing less than 80% by weight of milk fat had been substituted for butter, a product which should contain not less than 80% of milk fat.

DISPOSITION: 9-14-64. Consent—claimed by Mazeppa Co-operative Creamery Association of Mazeppa, Minn., and reworked.

29931. Butter. (F.D.C. No. 50979. S. No. 27-094 A.)

QUANTITY: 910 cases, each containing 32 1-lb. prints, at Chicago, Ill.

SHIPPED: 3-15-64, from Fond du Lac, Wis.

RESULTS OF INVESTIGATION: The article had been shipped as above in bulk lots to Chicago, Ill., where it had been cut and repacked. On 12-7-64, the printed butter was consigned to a dealer in Hopkins, Minn. While in transit to Hopkins, Minn., the truck containing the article was involved in a fire and the butter was thereupon returned to Chicago, Ill.

Examination showed that all cases were charred and approximately half of them were burned through so as to expose the butter, and that the butter was discolored, had a smoky odor, and contained pieces of the charred paper wrapper.

LIBELED: 1-18-65, N. Dist. Ill.

CHARGE: 402(a) (3)—while held for sale, the article was unfit for food by reason of being discolored, having a smoky odor, and containing pieces of charred paper.

DISPOSITION: 1-25-65. Consent—claimed by Berkshire Foods, Inc., Chicago, Ill. All of the article was found to have a pungent taste and was denatured for use in the manufacture of soap and animal feed.

MISCELLANEOUS DAIRY PRODUCT

29932. Dried whey. (F.D.C. No. 50660. S. No. 5-268 A.)

QUANTITY: 75 100-lb. bags, at Charlotte, N.C., in possession of Curt L. Rogers.

SHIPPED: 3-5-64, from Murfreesboro, Tenn.

LIBELED: 10-9-64, W. Dist. N.C.

CHARGE: 402(a) (3)—contained insects and insect parts; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 11-10-64. Default—delivered to a charitable institution for use as animal feed.

EGGS

29933. Frozen eggs. (F.D.C. No. 49669. S. Nos. 52-044/5 X.)

QUANTITY: 1,564 30-lb. cans at Seattle, Wash.

SHIPPED: 8-14-63 and 9-11-63, from Burbank, Calif., by Burbank Refrigerating Co., and from Lindsay, Calif., by Marlow Egg Farm.

LIBELED: 1-13-64, W. Dist. Wash.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 2-14-64. Consent—claimed by Commercial Creamery Co., Spokane, Wash. Segregated; 203 cans destroyed.

29934. Frozen eggs. (F.D.C. No. 49625. S. No. 41-989 X.)

QUANTITY: 294 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 11-7-63, from New Holland, Pa., by Weavers Quality Eggs, Inc.

LABEL IN PART: (Can) "Weaver's Quality Eggs, Inc. New Holland, Penna. Frozen Whole Eggs."

LIBELED: 12-3-63, E. Dist. N.Y.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 4-27-64. Consent—claimed by Weaver's Quality Eggs, Inc., Holland, Pa. Segregated; 109 cans denatured.

29935. Frozen eggs. (F.D.C. No. 50155. S. No. 80-529 A.)

QUANTITY: 603 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 4-24-64, from Phoenix, Ariz., by Earl K. Riley Co., Chicago, Ill.

LABEL IN PART: (Can) "Frozen Whole Eggs 30# * * * Phoenix, Arizona."

LIBELED: 6-4-64, E. Dist. N.Y.